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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/555,236	05/25/2000	PEKKA PUHAKAINEN	270689	1456

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EXAMINER
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HARPER, KEVIN C

ART UNIT	PAPER NUMBER
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2666

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/555,236

Applicant(s)

PUHAKAINEN ET AL.

Examiner

Kevin C. Harper

Art Unit

2666

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 November 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-4, 6-8, 12, 13 and 17-21 is/are allowed.
- 6) ☒ Claim(s) 1, 5, 9-11, 15 and 16 is/are rejected.
- 7) ☒ Claim(s) 14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 November 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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***Response to Arguments***

Applicant's arguments filed November 8, 2004, with respect to the rejection of claims 1-21 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Farjh et al. and Elms.

***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Response to Amendment***

The declaration filed on November 8, 2004 under 37 CFR 1.131 is sufficient to overcome the Johnson et al. reference.

***Drawings***

Replacement drawings were received on November 8, 2004. These drawings are approved.

***Claim Objections***

Claims 5 and 9-10 are objected to because in claim 5, fifth line from last, "comprise" should be removed. Appropriate correction is required.

Claim 14 is objected to because it appears to be dependent on claim 12 (note: "the latter time slot block" lacks antecedent basis).

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 5, 9-11 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farjh et al (US 5,341,401) in view of Elms (US 5,384,782).

1. Regarding claim 1, 5, 9-11 and 15-16, Farjh discloses a method for identifying a logical channel in a radio frame part (fig. 1) by channel decoding the information by means of channel decoding relating to different logical channels (fig. 7, step 1 and step 5). The method comprises arranging selected channel decoding methods in the order in which they will be applied (fig. 7, step 1 and step 5), channel decoding the information until the channel decoding succeeds (fig. 7, step 3-4) or all the channel decoding methods have been selected fig. 7, step 5 and 7-9), interpreting that the frame part includes the logical channel of the successful channel decoding method (fig. 7, steps 3-4; col. 5, line 64 though col. 6, line 4), and interpreting when any of the channel decoding methods fail, that the frame part includes information of a logical channel selected as a default value (fig. 7, step 7-8; note: decoding as FACCH when UCH decoding fails or is not as strong as FACCH decoding -- col. 4, lines 19-23).

2. However, Farjh does not disclose that the channel decoding is selected based on a logical channel indicator. Elms discloses selecting channel decoding based on a logical channel indicator (col. 5, lines 46-48) where the method is implemented in a receiver of a base station or

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subscriber terminal (col. 1, lines 31-38). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to initiate a FACCH decode if a FACCH steal flag is detected in the invention of Farjh in order to perform decoding which is most likely to be successful (col. 3, line 65 though col. 4, line 2).

### ***Allowable Subject Matter***

Claims 2-4, 6-8, 12-13 and 17-21 are allowed.

Claim 14 would be allowable if the above claim objection is corrected.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Takaki (US 5,638,408) discloses multiple Viterbi decoders to determine the proper rate of a transmitted signal (fig. 2).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Harper whose telephone number is 571-272-3166. The examiner can normally be reached weekdays from 11:30 AM to 7:00 PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao, can be reached at 571-272-3174. The centralized fax number for the Patent Office is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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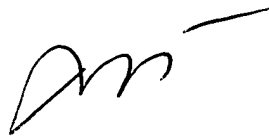
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Kevin C. Harper

July 9, 2005



DANG TON  
PRIMARY EXAMINER